

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**JOHN MELVIN GIVENS**

**PLAINTIFF**

**V.**

**NO. 4:15CV00170-JMV**

**COMMISSIONER OF SOCIAL SECURITY**

**DEFENDANT**

**ORDER ON PETITION FOR ATTORNEY'S FEES**

Before the Court is Plaintiff's Petition [20] for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), the Commissioner's Response [21], and Plaintiff's Reply [22].

In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Final Judgment [19] dated June 30, 2016, this Court reversed the decision of the Commissioner and remanded the case for further proceedings. Plaintiff now seeks attorney's fees in the amount of \$4,727.50, representing 23.2 hours of attorney time at a rate of \$175.00 per hour, and paralegal work at \$75.00 per hour for 8.9 hours on the grounds that he was the prevailing party and the Commissioner's position was not "substantially justified."<sup>1</sup> The Commissioner has no objection to this request for fees. The Court has fully considered the record of this matter and finds the requested amount is reasonable. **THEREFORE, IT IS ORDERED:**

That the Commissioner shall promptly pay to Plaintiff a total of \$4,727.50 in fees for the benefit of counsel for Plaintiff.

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<sup>1</sup>Though Plaintiff's Motion [20] indicates he is seeking an award of attorney's fees calculated at a rate of \$175 per hour for 23.2 hours, it inconsistently includes a total calculation for attorney's fees that exceeds the product of these figures. In his Reply [22], however, Plaintiff clarifies that he seeks an award of \$175 per hour for attorney's fees.

This, 8th day of August, 2016.

/s/ Jane M. Virden  
U. S. MAGISTRATE JUDGE